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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1420th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland

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GE.00-43990 (E)

The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/338/Add.12 (Part I), CERD/C/338/Add.12 (Part II) and HRI/CORE/1/Add.5/Rev.2)

1. At the invitation of the Chairman, Ms. Marshall, Mr. Maynard, Mr. Quaife, Ms. Clouder, Mr. Woodhouse, Mr. Steel, Ms. James, Mr. Fuller and Mr. Bentall (United Kingdom) took places at the Committee table.

2. Ms. MARSHALL (United Kingdom) said that her Government placed human rights and race relations at the centre of its agenda and the delegation in fact represented 23 government departments which were working together to promote racial equality in the United Kingdom and the Overseas Territories. She welcomed the presence of non-governmental organizations, (NGOs), who shared the Government's aims of race equality; 40 NGOs had been consulted in preparing the fifteenth report and her Government had successfully argued at the Council of Europe for NGO participation in the European conference to be held in October 2000 in preparation for the World Conference against Racism. The current situation in the United Kingdom was described in the extensive documentation which had been provided to the Committee members. Her oral presentation would focus on the legislative framework for mainstreaming racial equality in Government, immigration and asylum, and policing and racist crime.

3. Legislative changes in 1965, 1968 and 1976 had led to significant improvements in racial equality, although ethnic minorities, who comprised 6 per cent of the population, still only accounted for 4 per cent of disposable income. Legislation was being updated and the Government was determined that the public sector would lead the way in the promotion of racial equality. In March 2000 the Race Relations (Amendment) Bill had been introduced with a view to creating a society where there was respect for all and which celebrated its cultural richness and ethnic diversity. Moreover, achieving a successful multicultural society was an integral part of a competitive business strategy aimed at improving services, notably public services, to all customers, regardless of racial origin, and ensuring equality of access.

4. With the new legislation, law enforcement would for the first time be subject to race discrimination laws. It would place a duty on the public authorities to work towards the elimination of unlawful discrimination and the promotion of equality of opportunity and good relations between all racial groups. That was applicable throughout England, Scotland and Wales and, although devolution allowed local approaches to equality issues, the framework of law and protection afforded by the Convention remained consistent. A similar duty already existed in Northern Ireland. Bills banning racial discrimination would be introduced in Guernsey and Jersey later that year and in early 2001, respectively. As part of the effort to raise awareness of minority issues, the 2001 census would include questions on religion and ethnicity.

5. The United Kingdom already had extensive anti-discrimination legislation and had played an active role in the development of the Directive on equal treatment under Article 13 of the Treaty of Amsterdam, which for the first time provided for a common minimum standard of protection against discrimination across the European Union and was broadly modelled on the United Kingdom legislative example, including the requirement for an independent body similar to the Commission for Racial Equality (CRE). Implementation of the Directive would provide an opportunity to review and improve existing legislation. The Human Rights Act, incorporating the European Convention on Human Rights into British law, would come into effect in October 2000 and training programmes were under way to prepare the public authorities for implementation. The Government had undertaken to review the issue of individual petition under article 14 of the Convention once the Human Rights Act had come into force.

6. Mainstreaming of racial equality was a core issue and government spending would reflect its commitment to integrate racial equality into government operations; a forthcoming Service Delivery Agreement would reflect the service delivery needs of each department. The promotion of racial equality would be a priority in such key sectors as education, health and employment and there would be an annual report on "Race equality in public services", the first of which had been published in March 2000. Greater ethnic representation would also be encouraged in the police, fire, probation and prison services as well as the Home Office and a progress report including examples of good practice would be published in October 2000. Some examples of mainstreaming were: the central Government's "Connexions" support service for youth, in particular minority youth, new legislation on "Best Value" requiring local authorities to make continuous improvements in local services and an initiative by the National Health Service to meet ethnic minority health needs.

7. Turning to the issue of immigration and asylum, she recalled that 86 million people had visited the United Kingdom in 1999, 12 million of them from outside the European Economic Area. A 1998 survey showed that there were 1,039,000 foreign nationals working in the country and a net inward migration of 178,000. In 1999 some 71,160 asylum applications had been received, an increase of 55 per cent over 1998, and 102,870 asylum applications had been outstanding at the end of 1999. Acceptances for settlement had increased to 97,100. The number of asylum applications in spring 2000 had still been approximately 5,000 to 6,000. The United Kingdom remained attractive to migrants because it was seen as a tolerant and diverse society and had a long history of offering sanctuary in accordance with its international commitments. Public opinion remained sympathetic to persons truly at risk and was an important factor in countering the tone of some of the debate on asylum which could so easily fuel prejudice.

8. The Immigration and Asylum Act 1999 had reformed procedures in keeping with the Government's commitment to a "fairer, faster and firmer" approach and the Government had made a major investment for asylum support costs with a view to doubling the number of asylum decisions in 2000-2001 to 130,000. By March 2001 at least 70 per cent of applicants should receive an initial decision within two months and most appeals should also be determined within four months. The dispersal of asylum-seekers to accommodation outside London had been recognized as necessary by the principal refugee support organizations, which were working with the recently established National Asylum Support Service (NASS) to make that process as smooth as possible, although they still remained critical of some aspects of government policy.

Any criticism of accommodation had been swiftly acted upon, and new support arrangements, in the form of vouchers and a small weekly cash payment, had come into effect in April 2000 in response to key court decisions. While there had been incidents of racial harassment against newly settled minority communities, support groups were developing locally to provide practical help to the new arrivals.

9. The Government had also adopted a more proactive policy on the integration of refugees, such as the NASS "one-stop" approach to assist refugees or persons granted permission to stay in the United Kingdom in finding permanent accommodation and gaining access to welfare services. The Home Office would be launching a comprehensive integration strategy in October 2000 which would include employment, education and language training. Although effective immigration control systems must be retained while more positive policies were being studied in the context of demographic change and long-term migration policies across Europe, the Government welcomed a more wide-ranging debate which properly recognized the real benefits of legal migration.

10. In the area of policing and racist crime, she stressed the importance of the Stephen Lawrence Inquiry Report published in March 1999, with its definition of institutional racism. The public authorities' new duty, reflected in legislation, to promote racial equality was a response to the problem. An annual progress report was to be published on the implementation of the Home Secretary's Action Plan and the first report, published in February 2000, had shown that more than half of the Inquiry's 70 recommendations had been implemented, with progress in others. One priority was to increase trust and confidence between ethnic minorities and the police, especially the Metropolitan Police. A task force on racial and violent crimes had established that everyone benefited from antiracist policing. The officers in charge of policing the 32 boroughs of London were key agents of change in explaining new policies to other officers, and Community Safety Units in each borough were working to combat race and hate crimes at the local level. New minimum standards for the investigation of race/hate incidents and crimes by all police officers would ensure accountability from the very first police contact through to the end of the investigation. Much effort had also gone into training family liaison officers, in an effort to move towards policing for individual needs. Independent advisers were currently working with police officers in critical incident teams; there were currently 60 such advisers working at police headquarters and some 120 groups operating across the capital. The involvement of independent advisers encouraged community ownership of the work of the teams. As a result of concerted efforts in intelligence gathering, preventive measures, better reporting and greater openness and transparency, the number of racist crimes resolved had more than doubled between 1998-1999 and 1999-2000.

11. The issue of racist crime, and whether or not such crimes were on the increase was a complex one, although racist incidents and some racist crimes had certainly been underreported in the past. The police service was taking steps to ensure that officers took every incident seriously in order to increase the trust of the ethnic communities in the police and encourage more and better reporting. Communities were becoming less tolerant of racist crime and the police more sensitive to identifying it. The notion of racially aggravated offences had been introduced to draw attention to the racist elements in crime with the ultimate goal of developing the most comprehensive and open system of recording racist crime in Europe. The Government believed that the police currently had adequate powers to deal with racism. Extremist

organizations were not a significant part of the picture in the United Kingdom and the worst examples of race-hate violence in recent years, the Brixton and Soho nail bombs of 1999, had been perpetrated by a loner who was currently confined to a secure hospital.

12. While the elimination of racial discrimination would require time, much work was already under way and real progress had been made. Her Government was determined to build an inclusive society where everyone, without exception had a sense of belonging.

13. Mr. STEEL (United Kingdom) informed the Committee that the Overseas Territories Consultative Council had already met once and would meet again in October 2000 to discuss the protection of human rights, including measures against racial discrimination, which had also been discussed at the annual conference of Attorneys General of the Overseas Territories held earlier that year. A study had been commissioned on updating existing human rights provisions in the constitutions of certain Territories and on incorporating such provisions in the constitutions of the two Territories which did not currently have them; a report should be available by the end of 2000. The Government was also committed to opening up full British citizenship to the inhabitants of the Overseas Territories and it was hoped that a bill to that effect would be on the agenda of the next parliamentary session.

14. With regard to the internal affairs of the Overseas Territories, Anguilla, the British Virgin Islands, Gibraltar and the Turks and Caicos Islands were currently preparing legislation prohibiting racial discrimination and a law to that effect had entered into force in Montserrat on 1 January 2000.

15. In response to the Committee's request for more racial and ethnic data, Anguilla, the Falkland Islands (Malvinas), Gibraltar and St. Helena had agreed to request such data in their next censuses, Bermuda and the British Virgin Islands already did so and the Government of the United Kingdom would continue to press the Governments of the other Territories to follow suit. With regard to greater publicity for the reports and the Committee's concluding observations, practice in some Territories was often fairly perfunctory. The United Kingdom would encourage the authorities of the Territories to take measures to increase awareness of the Committee's work.

16. Mr. SHAHI (Country Rapporteur) commended the United Kingdom's regularity in submitting its reports and its preparation of the fifteenth report in consultation with a number of representatives of ethnic minorities. He noted that the Government had taken a firm position against racism and in particular that it had introduced new statutory offences for racial crime, set up a Unit dealing with the socially excluded and established a Race Relations Forum to give ethnic minorities a voice at the heart of the Government. However, the statistics indicated high numbers of racially motivated incidents; and ethnic minority victims reportedly felt that in practice the authorities failed to investigate crimes against them properly and that the police used excessive force in dealing with members of ethnic minorities.

17. He had been pleased to learn that half of the 70 recommendations of the Stephen Lawrence Inquiry Report had already been implemented; that the Government had restored planned cuts in assistance to the disadvantaged (report, part I, para. 6), although the

available funds were still not adequate; and that the Race Relations (Amendment) Bill 2000, strengthening and extending the scope of the 1976 Race Relations Act, was now before Parliament.

18. A point on which the United Kingdom and the Committee still disagreed was the need to incorporate the Convention into domestic legislation and to adopt a bill of rights espousing the principle of equality before the law and non-discrimination. The Committee had in the past recommended that the State party should consider thus giving full effect to the provisions of the Convention. The State party, on the other hand, maintained that an entrenched position for any anti-discrimination law was incompatible with the sovereignty and legislative power residing exclusively in the Parliament. Nevertheless, there had been precedents for incorporating international human rights instruments into British domestic law: the Children Act 1989 adopted to implement the Convention on the Rights of the Child, and especially the 1998 Human Rights Act, a major constitutional reform incorporating most of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which would shortly come into effect in the United Kingdom. He would like clarification as to which body would implement the Human Rights Act. Incorporation of the International Convention on the Elimination of All Forms of Racial Discrimination would mark another major step in constitutional reform.

19. With regard to article 1 of the Convention and the 1976 Race Relations Act, it would be helpful to have a fuller list of the social areas in which racial discrimination was currently prohibited by law. Even though the Race Relations (Amendment) Bill 2000 apparently would now cover the police, as Scottish law always had, it made an exception allowing for decisions on immigration and asylum and nationality determination to be made on grounds of ethnic or national origin. Further comment would be appreciated for - as the Committee's General Recommendation XIV, para. 2, indicated - such differentiated treatment might violate the Convention if it had a disproportionate impact on a particular group of persons.

20. With regard to article 2 of the Convention, he noted that positive discrimination was illegal in the United Kingdom, except for training designed to improve employment opportunities for ethnic minorities, among which the Roma were categorized, as they were under comparable Irish law. Also, given the progress of the peace process in Ireland, he wondered whether the provision of the Race Relations (Northern Ireland) Order 1997, that exempted public order and safety from the general prohibition of racism, was still considered necessary. In any case, the recently established independent Northern Ireland Human Rights Commission (report, part I, para. 25) was a welcome development. He had also been pleased to learn from the delegation that the Channel Islands would now also be covered by the legislation against racial discrimination.

21. It would be interesting to hear more about the policies and programmes carried out by the Social Exclusion Unit (report, part I, paras. 34-37) to rehabilitate the inner city areas, where the majority of the ethnic minority communities lived and where they reportedly continued to experience significant de facto discrimination.

22. The report gave no information under article 3 of the Convention and failed to take account of the Committee's General Recommendation XIX relating to forms of ethnic

segregation in housing and education, or to provide information on any steps taken to prevent school segregation since the previous report. Increasingly, segregated communities seemed to be the pattern in Northern Ireland as a result of the years of intercommunal violence.

23. With regard to article 4 of the Convention, the reforms under the Crime and Disorder Act 1998 (report, part I, paras. 22 and 51) were welcome, but they still fell short of the requirements of the Convention. In its concluding observations on the previous report, the Committee had urged the Government to consider legal prohibition of organizations that promoted or incited to racial discrimination, and to make participation in such organizations an offence. The Government, however, maintained its interpretation of article 4 (report, part I, paras. 47-50). The United Kingdom interpretation of freedom of speech and association unfortunately tilted the balance so heavily in favour of racist groups as to nullify the mandatory provisions of article 4 (b) when, for instance, far-right groups such as the British National Party and Combat 18 openly advocated violence against Blacks, Asians or Jews, as reported by Human Rights Watch/Helsinki. It was noteworthy that, while the United Kingdom Government contended that its existing laws struck the right balance between freedom of speech and protection from abuse and insult, the Northern Ireland Government had limited freedom of association and made membership in racist organizations punishable by law, in the interests of preventing racial violence.

24. The spread of racist propaganda on the Internet, was however, a cause of concern to the United Kingdom Government (report, part I, paras. 56-58): it was considered illegal and providers of such material were liable to prosecution. As stated in a recent report of the European Commission against Racism and Intolerance (ECRI), the solutions to that problem must be sought by all Council of Europe member States on both a national and an international basis. The United Kingdom had also made the circulation of material denying the Holocaust, if intended or likely to stir up racial hatred, punishable under its law (report, part I, para. 60) If indeed, the Government amended its legislation to allow prosecution of offences involving racist language or behaviour (report, part I, para. 52) that would no doubt strengthen its anti-racist criminal law. However, the contemplated legislation would still fall short of compliance with article 4 (a) and would not comply at all with article 4 (b): again, reference should be made to the Committee's concluding observations on the previous United Kingdom report and to its General Recommendation XIV.

25. With reference to article 5 (a) of the Convention, he wondered if the ethnic monitoring that was compulsory in all police force areas (report, part I, para. 65) had made it possible to ascertain whether Blacks were imprisoned more often than, for instance, Whites or Asians. According to various NGOs, police malpractice affecting ethnic minorities disproportionately was still a problem. The Stephen Lawrence Inquiry Report had recommended that each use of police stop-and-search powers should be officially recorded, and it was gratifying to note the Government's commitment to implementing those recommendations, although the possibility of a police backlash needed to be addressed. On the serious issue of deaths in custody (report, part I, paras. 71-77), again affecting minority prisoners disproportionately, the United Kingdom should consider the establishment of an independent inquiry in each case, as recommended by ECRI. In Northern Ireland, the newly established Police Ombudsman would apparently be able to investigate complaints against the police and would be obliged to do so in the case of a death in police custody.

26. He welcomed the measures taken to provide training to judicial officials in racial and multicultural issues (report, part I, paras. 90-94); the establishment of a Community Legal Service providing legal information and assistance (paras. 96-97); the radical reform of the legal aid system (para. 98); and the fact that, except at the High Court level, ethnic minorities seemed to be well represented in the legal profession (paras. 101 et seq.). Targets established for the recruitment of ethnic minorities at all levels in the prison service should help remedy the problem of inadequately trained prison staff.

27. Under article 5 (b), he welcomed the legal measures outlined in the report (paras. 116-117), but asked for more information on the services provided by the Racist Incidents Standing Committee (para. 121). It was a matter of grave concern that the number of reported racist incidents had risen annually since 1989 in Britain (para. 125). Crimes of violence against women, though generally the least reported, were, together with sexual harassment, apparently actively prosecuted.

28. Particularly disturbing were reports by, inter alia, Amnesty International, Human RightsWatch/Helsinki and the United States Department of State, of cases of racially motivated violence, including murders, excessive use of force by police officers, deaths in police custody and maltreatment of prisoners, and of failure by the Government to conduct adequate investigations and to bring and pursue charges and take disciplinary action against police officers and prison military personnel involved in such acts. Citing some of those cases, he said that the Committee against Torture had likewise expressed concern over the number of deaths in police custody and the Government's failure to provide effective investigative mechanisms. NGOs had recommended that legal aid should be provided for the families of victims of deaths in custody attending inquests. Many of the reports of abuses concerned Northern Ireland. In his 1997 report, the United Nations Special Rapporteur on the independence of judges and lawyers had concluded that police officers of the Royal Ulster Constabulary (RUC) had engaged in intimidation, harassment and hindrance of lawyers, and had recommended an inquiry into such practices. The murder of the human rights lawyer Rosemary Nelson and of the defence counsel Partick Finacune had likewise given rise to calls for independent investigations. More information should be provided on the review of policing and the criminal justice system which had taken place in 1999, and on the attempts to increase the number of Catholic officers, who represented only 9 per cent of the force. He noted that one notorious detention and interrogation centre had been closed at the end of 1999 but two other centres remained open. In general, further information was needed on the cases cited, and on the outcome of pending cases.

29. With reference to police complaints, he asked whether the feasibility study recommended by the Stephen Lawrence Inquiry to give greater independence and openness to the existing complaints system had been completed and what action had been taken to restore greater confidence in the police among ethnic minority communities.

30. On the subject of political rights, he noted that the right to vote was restricted to British, Commonwealth and Irish citizens, along with citizens of the European Union, who were allowed to vote in European Parliamentary elections and local elections, that only 9 of the 659 Members of Parliament (MPs) in the House of Commons came from minority groups, and that

only 3.1 per cent of local authority councillors were from ethnic minorities, a vastly under-represented group. Information should be provided on the representation of minority ethnic communities in the Scottish Parliament.

31. He noted the increase in minority representation in the Civil Service as a result of a number of administrative measures taken by the Government and the Government's recognition of the need to improve such representation in the more senior parts of the Service. When implemented, the Home Secretary's employment targets for the numbers of persons from ethnic minorities to be employed in different grades in the Home Office and the police, prison and fire services would constitute a major reform towards eradicating racism and sexism in the services concerned, although he observed that the criteria for representation were very demanding. Minorities groups advocated separate targets to be set for the Asian and black communities so as to ensure the fair distribution of jobs. Ethnic minorities were also under-represented in the armed forces, constituting only about 1 per cent of all personnel, although recruitment goals and action by the Commission for Racial Equality (CRE) and the Ministry of Defence to promote racial equality in the armed forces and to eliminate racial discrimination and harassment were commendable. In the police force, Human Rights Watch reported that in 1995 only 1.7 per cent of officers had come from the Black community, including eight chief inspectors and only one superintendent, that in the Metropolitan Police Service, 3.9 per cent of officers came from ethnic minorities, that officers from minority groups suffered discrimination in terms of job promotion, and that officers from ethnic minorities had been leaving the police force. The proposals made in the Home Secretary's Action Plan to improve the recruitment and retention of officers from such backgrounds represented an important step forward.

32. With regard to immigration, nationality and freedom of movement, the Human Rights Committee had expressed concern over the treatment of illegal immigrants, asylum-seekers and those ordered to be deported, in particular owing to the length of their detention. According to a United States Department of State report there was no time limit to the period for which asylum-seekers could be detained, nor was it possible for decisions to be reviewed by a court at any given time. Grave concern had also been expressed at the use of excessive force in the execution of deportation orders. The Human Rights Committee had stated that adequate legal representation was not available to asylum-seekers effectively to challenge administrative decisions. Similar reports of discrimination by immigration officers at border points and in other areas had been reported.

33. The Immigration and Asylum Bill which was now before Parliament, established a new framework separate from the normal benefits system. In a joint memorandum, NGOs had recommended the restoration of cash benefits for asylum-seekers, since the voucher system currently in place stigmatized the people it was designed to assist. Although the measures taken were welcome, the overall impact of the Act could, according to the Amnesty International Report 2000, be severely detrimental to refugee rights, for example in relation to the extension of pre-entry controls, the need for effective judicial oversight, the detention of asylum-seekers and the need to secure access to high quality legal advice in the case of persons dispersed around the United Kingdom. Of similar concern was the backlog in asylum applications, which currently stood at around 102,000. He noted that, at the European Conference on Asylum held in Lisbon,

the Home Secretary had sought agreement on a list of safe countries from which applications would not generally be considered. The large numbers of asylum-seekers appeared to be the regrettable result of manipulation of illegal immigrants by professional traffickers.

34. With regard to legislation against religious discrimination, most attacks against Muslims had a racial element and were therefore covered by the Crime and Disorder Act of 1998. Under the European Convention on Human Rights, religious discrimination was unlawful. The Human Rights Act, which would come into force in October 2000, would provide a measure of protection against discrimination on the grounds of religion, but there was a continuing need for more specific legislation That idea was supported by the Runnymede Trust Commission, which had suggested in 1997 that in view of widespread Islamophobia there was ample evidence to justify legal reform. That contrasted with the statement in the fourteenth periodic report of the United Kingdom that cases in which religion might have been a factor in discrimination were very rare. The CRE itself had expressed concern at the limited protection provided against such discrimination and had recommended legislation. The Committee would be interested in learning more about the research undertaken into the nature and extent of religious discrimination in the United Kingdom.

35. Unemployment rates were generally much higher amongst ethnic minority groups than among the white population. Equally worrying was the small number of proven cases of discrimination in employment and the inadequacy of judgements handed down by industrial tribunals.

36. Although the United Kingdom had ratified International Labour Organization (ILO) Convention on Migration for Employment (Revised) (No 97, 1949) access to income support, housing and tax benefits had been restricted for certain immigrants. Any tests conducted for determining eligibility for social security benefits taking into account such factors as nationality, race and religion were clearly inappropriate; more information would be welcome on that matter.

37. With reference to cultural activities, the British Sikh Federation had called for non-discrimination towards non-Christian religions in the programmes broadcast by the British Broadcasting Corporation (BBC), as well as for more time for broadcasting in Punjabi, which was spoken by a high percentage of Asians living in the United Kingdom. The Federation considered that the BBC showed more negative images of non-Christian Asians than of Christian Asians.

38. The Government had concluded that the time was not right to make the declaration under article 14 of the Convention, since the complaints procedures in question would detract from work undertaken to implement the Human Rights Act and had stated that it would reconsider the issue once the Act had come into force. It had also been stated previously that the overall effect of the various remedies available within the United Kingdom, including through the right of individual petition under the European Convention on Human Rights, was already considerable. However, the provisions of the European Convention were weak in relation to the prohibition of racial discrimination. Consequently, the Government should both ratify and incorporate into domestic law draft Protocol 12 to the European Convention, which provided for free-standing protection from discrimination by public authorities.

39. In conclusion, he said that there were good grounds for asserting that the United Kingdom had done much to combat racial discrimination, but much remained to be done. That was particularly true in certain areas, such as racial attacks and harassment, immigration and asylum policy, education and employment, and the participation of ethnic minorities in public life. The Committee's experience had shown that the task of eliminating racial discrimination was much more complicated than prohibiting the dissemination of ideas of racial superiority and bringing an end to colonialism had proved to be. The report of the United Kingdom offered an opportunity for reflection on why that was so. If the United Kingdom had strived so hard and managed to achieve so little, it could well be asked what the implications were for less developed countries.

40. Ms. McDOUGALL said that the importance of the Convention lay in the fact that Governments were required not only to restrain racial discrimination and carry out such affirmative duties as reviewing legislation, but also to encourage a sense of tolerance and of the special benefits offered to society by a diverse community. Although a number of important individual strategies appeared to exist, the necessary comprehensive benchmarks had apparently not been put in place and it was important to ascertain how leadership was manifested in the highest sectors of Government in preventing the spread of an increasingly dangerous climate of intolerance, observable in other European countries as well. It was essential to maintain a focus on the large number of different communities living in the United Kingdom. The Committee was concerned about the situation of new immigrant communities and Travellers and about how differences in Northern Ireland could be seen as racial, but it also had concerns about established immigrant groups. Even though they had lived in the United Kingdom for generations, those groups were still not treated as fully fledged citizens and as equals in the enjoyment of economic, social, cultural and political rights.

41. Of similar importance was the issue of racial and ethnic stereotyping. It should be made clear what action had been taken in the private sector to put an end to such stereotyping, to what extent the Government saw that as part of its obligations, and what link had been established between stereotyping and the upsurge in racial violence.

42. The criminal justice system was a further subject of concern. There were two sides to the issue. Firstly, it was necessary to determine to what extent law enforcement agencies were - and were seen to be - defending the rights of various racial groups, and to what degree those efforts put a stop to violence. Secondly, did the law enforcement agencies act as "shock troops" against minority communities? The policy of stop and search gave rise to concern in terms of the disproportionate number of ethnic minorities affected. Any contact between law enforcement agencies, including police and immigration officers, and those minorities led to the possibility of abuse of office. Moreover, the procedure did not fully take into account the vulnerability of minority communities. More information should be provided in that regard.

43. By extension, the question of accountability should also be clarified. Paragraph 135 of the report stated that in 1997-1998 there had been 18,354 specific complaints, resulting in a total of 237 formal disciplinary charges. What was the reason for the discrepancy between the two figures? Was there a general perception that complaints were not fully investigated? It should

be made clear how the Government intended to deal with a backlash within the police force following the Macpherson Report. In general terms, was proper action taken against police officers found to be in breach of the procedures governing the investigation of racist crimes?

44. In cases of investigation of serious charges of physical abuse, it was necessary to ascertain whether the officers concerned were suspended immediately pending a final outcome. Likewise, information was needed on how many of the complaints made and resulting disciplinary charges were well founded, and on the nature of the disciplinary measures taken. Did those measures send an appropriate message to the community in terms of restoring public confidence in the police?

45. The Committee should be informed about the conclusions of the feasibility study concerning police complaints and whether any changes had been implemented as a result. She asked whether the Police Complaints Authority was a kind of civilian review board and to what extent its representatives were connected to the Government, given the difficulty of generating real independence within such institutions.

46. It was important to define the concept of institutional racism and to provide details of the measures taken to tackle that phenomenon. Reference had been made to specific measures designed to increase the number of people from ethnic minorities employed in different ministries. Those minorities must be represented effectively at all levels, not just at the lower end of the spectrum as was currently the case. How did the Government articulate its aims in that regard and what additional steps had it taken, for example through the provision of on-the-job training for members of ethnic minorities? In general terms, it was important to consider institutional culture and to determine to what extent institutions were willing to embrace the benefits and impact of diversity on their working methods. If there was not the will to do so, a revolving-door effect would be created where minorities quickly became disenchanted and left the services to which they had been recruited. How did the Government view its responsibilities in relation to private sector discrimination and what measures had been taken to address the problem?

47. Mr. VALENCIA RODRIGUEZ said that the comprehensive periodic report commendably addressed the concerns expressed in the Committee's previous concluding observations. The persistence of discriminatory attitudes - as clearly demonstrated in Annex N - and practices was a matter of concern. He requested further information on action taken to follow up the recommendations contained in the Judicial Inquiry Report drawn up in the wake of the murder of Stephen Lawrence, and particularly on the results of such action. The periodic report stated that positive discrimination was not legal in the United Kingdom. The Government should be invited to review that question in the light of article 2.2 of the Convention and the need for special measures to improve the social and economic situation of many of the country's numerous minority communities. One solution might be to strengthen the Social Exclusion Unit.

48. The Government had reiterated its position with regard to article 4 of the Convention. However, recommendation 39 of the Inquiry Report had rightly pointed to the need to amend the law to allow for the prosecution of racist language or conduct. It was indeed necessary to strike a balance between freedom of speech and protection of citizens, and article 4 was to be interpreted in that light.

49. The State party was to be commended for taking action against the use of the Internet for racist purposes. The Internet Watch Foundation played a vital role in that effort, and would serve as a model for similar actions in other countries. The police had an important role in reporting and investigating racist incidents, as defined in paragraph 123 of the periodic report. It was regrettable that minority groups were still so under-represented in Government, the military, the police and the civil service, particularly in senior positions, despite recognition of the need to promote their participation. It should be made clear that discriminatory criteria based on racial, ethnic or national origin should have no place in immigration and asylum policies. Steps should be taken to ensure that the proposals contained in the relevant Government White Paper were fully implemented.

50. The Government should maintain its contacts with local authorities and develop them further with NGOs, local communities and the private sector so as to defend the economic, social and cultural rights of minorities. The establishment of Training and Enterprise Councils was one of a number of interesting measures aimed at combating the worryingly high unemployment rates among minorities, and the Government should keep the Committee informed of the results of such measures. Discrimination in employment remained a problem; the courts had a crucial role to play in that regard. Incentives should be provided to the registered social landlords in England to help ensure that the need for adequate housing for minorities was met. Certain groups were not only marginalized owing to their ethnic background, but also for economic reasons; hence the need for adequate measures to improve their economic situation.

51. The Government had, with regard to Gypsy/Travellers, merely called upon the local authorities to tolerate short stays, which left much to their discretion. It would be preferable for it to issue more precise, generally applicable and binding instructions on that sensitive question. Certain minorities such as Roma, African and Caribbean groups had extremely low school enrolment rates. The State party should take action to tackle that question and should inform the Committee of any results achieved.

52. Mr. DIACONU asked why the Commission for Racial Equality, when proposing an amendment to the Race Relations Act, had limited itself to addressing discrimination only by public bodies. Were private entities covered by that law as well and, if so, was there a risk that such an amendment would have the effect of weakening protection against discrimination by private entities? The Crime and Disorder Act included a test to determine whether there was racial motivation or any aggravating evidence of racial hostility in connection with an offence. If that meant that it was necessary to prove a racist intention on the part of the perpetrator, such proof would in some cases be difficult to adduce. He invited comment on the concern expressed by some NGOs that the Crime and Disorder Act did not apply to Northern Ireland, and that less protection would thus be afforded to minorities there.

53. It had taken four years to set up an inquiry into the murder of Stephen Lawrence, and the subsequent Inquiry Report had found that there was a pattern of institutionalized racism. Clearly there was a need to draw the line between the need to combat crime and the State's obligation to uphold the rights of minorities.

54. The United Kingdom's statement with regard to article 4 did not appear to be a mere interpretation, but rather a reservation concerning the questions of when and how to introduce

legislation to give effect to the Convention. While it was the State party's sovereign right to issue reservations, it was only fitting for the Committee to express its regret and to insist that the Government should accept all the obligations under article 4. In actual fact, the United Kingdom had adopted far-reaching legislation which often went beyond the obligations under that article.

55. The Committee would be very interested in the results of the Government's research into the rise in the number of reported racist incidents, so as to ascertain whether it reflected an upsurge of such cases or increasing confidence in the police. It was commendable that, for the purpose of registering racial incidents, the definition of such incidents included those in which the victim perceived there to be racist motivation.

56. While the Roma were considered a racial group and nomadism was recognized by law as a legitimate way of life, according to NGOs only 30 per cent of the Roma in the United Kingdom were Travellers. The periodic report offered no information on the economic and social situation of the other 70 per cent. It referred to school exclusions but did not specify whether the problem was attributable to a high drop-out rate or other factors, such as exclusion by the school administration. What countermeasures had the Government taken?

57. Could the delegation offer any commentary on concern expressed by an NGO that the devolution of power to Northern Ireland, Scotland and Wales would have a negative impact on the political representation of minorities in local bodies? Lastly, certain Territories administered by the United Kingdom, including Guernsey, Montserrat and the Virgin Islands, apparently lacked legislation prohibiting discrimination by private entities. The Government should convince the authorities of those Territories of the need to adopt the appropriate legislation.

58. Mr. de GOUTTES said that it was of great interest to hear about the situation in a country which had a specific policy and approach to the problem of racial discrimination. While the periodic report contained information on a very large number of positive measures taken to combat racial discrimination, it also revealed a number of subjects of concern. For example, the Committee and the Government had diverging views on the implementation of article 4 of the Convention. The Government contended that domestic law struck the right balance between freedom of expression and the need to incriminate racist acts. However, its policies in that regard were not in conformity with the Committee's General Recommendation XV. It was difficult to understand the logic behind the assertion that, if the United Kingdom were to make the declaration under article 14 of the Convention, the complaints procedure would detract from the work to implement the Human Rights Act, but it was reassuring that the Government had left the question open and would reconsider it once the Act entered into force in October 2000.

59. Although a large number of measures and initiatives had been taken, they had apparently not been very effective. Minorities were still very much under-represented in the civil service, the military and the police. While the Roma were recognized as a minority, Roma asylum-seekers from Eastern European countries had been subjected to harassment, intimidation, ill-treatment and acts of discrimination by local residents and the police. Many of the anti-racism measures recommended in the Stephen Lawrence Inquiry Report had apparently not been implemented. Two of those recommendations were particularly worthy of note: the proposal to ensure that a record was made of all "stops" and "stops and searches", including

voluntary stops, and a record given to the person in question; and the possible use of electronic monitoring of prisoners' breathing and heart-rates, with a view to alerting custody officers if vital signs reached a warning threshold. Had either of those measures been followed up?

60. The high number of deaths in custody was of serious concern. Amnesty International had reported that attacks against minorities were widespread and the attitude of the police when dealing with such attacks was often problematic. A number of NGOs had proposed the establishment of an independent authority to investigate complaints of mistreatment by the police and the prison service. What was the Government's position in that regard? NGOs had also furnished much information on the treatment of asylum-seekers. According to Amnesty International, the Asylum and Immigration Act adopted in November 1999 could restrict the rights of refugees inter alia to quality legal counsel and to judicial review of detention, although it contained a number of otherwise very positive provisions. He invited the delegation to comment on those assertions.

61. Some positive measures had been taken to combat antisocial behaviour, including racial harassment, in council-run housing estates, but he wondered whether there was not a risk that such measures might be used to ill effect, for example to evict minority tenants on spurious grounds. Lastly, he asked to what extent minority groups or associations had been involved in the drafting of the periodic report, in accordance with the Committee's General Recommendation XVII.

The meeting rose at 1 p.m.